

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	ORDER GRANTING DEFENDANT’S
)	MOTION TO CONTINUE TRIAL
vs.)	
)	Case No. 3:21-cr-203
Enroy Oneil Duncan,)	
)	
Defendant.)	

Before the Court is the Defendant’s motion to continue trial filed on May 24, 2022. Doc. No. 22. Trial is scheduled to commence on June 28, 2022. Defense counsel requests a continuance to further investigate, review discovery, and prepare for trial. The Defendant consents to the continuance and executed a written waiver form acknowledging that the delay will be excluded from any calculation under the Speedy Trial Act. Doc. No. 23. The United States does not object to the motion.

The Court finds there is good cause to continue the trial, and “the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial” pursuant to 18 U.S.C. § 3161(h)(7)(A). See United States v. Lucas, 499 F.3d 769, 782-83 (8th Cir. 2007); United States v. Hohn, 8 F.3d 1301, 1305 (8th Cir. 1993); United States v. Driver, 945 F.2d 1410, 1414 (8th Cir. 1991). Accordingly, the Court **GRANTS** the motion (Doc. No. 22). Trial shall be rescheduled for Tuesday, November 1, 2022, at 9:30 a.m. in Fargo. A five (5) day trial is anticipated. All time elapsing from the date of this order until trial shall be excluded from any Speedy Trial Act calculation. See 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

IT IS SO ORDERED.

Dated this 28th day of May, 2022.

/s/ Peter D. Welte
Peter D. Welte, Chief Judge
United States District Court